

REMARKS

Claims 1-5, 7-10, and 12-13 remain pending in the application including independent claims 1 and 9. Non-elected method claims 14-20 have been cancelled. Claims 6 and 11 have also been cancelled. New dependent claims 21-30 have been added.

Applicant affirms the election of product claims 1-13 over method claims 14-20. This election was without traverse. On the cover sheet of the present Office Action, the examiner has indicated that claims 2, 3, and 5-8 are withdrawn from consideration along with non-elected method claims 14-20, however, claims 2, 3, and 5-8 have each been rejected based on prior art. Applicant requests a clarification of the status of claims 2, 3, and 5-8.

Claims 4, 8, 10 and 13 have been amended to overcome the claim objections identified by the examiner.

Replacement drawings are submitted to show proper cross-hatching of the first shell as a transparent material. The specification has been amended to include references to A1-A3, which are shown in Figure 2A. Further, Figure 2A has been revised to show A1, A2, and A3 as angles, which are identified in the specification at paragraphs [41]-[42]. Please note that the positions of A1 and A2 have been switched in Figure 2A such that the “first” laser weld surface 28 is defined by the “first” angle A1, and the “second” laser weld surface 58 is defined by the “second” angle A2. Otherwise, the first laser weld surface would have been designated as A2. No new matter has been added. Thus, applicant asserts that all drawing objections have now been fully addressed.

The examiner has objected to the Abstract, but has not provided any specific comments indicating why the abstract is objectionable. Thus, it is difficult for applicant to respond to the examiner’s objection. Applicant has amended the abstract to be more concise, however, if this is not sufficient to overcome the examiner’s rejection, applicant respectfully requests that the examiner specifically identify the objectionable language in the abstract.

Claims 1, 2, and 5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Lohr (US 6267093). Claims 1, 4, and 9 stand rejected under 35 U.S.C. 102(e) as being anticipated by Akiyama (US 6478451). These rejections are moot as claim 1 has been amended to incorporate the features of claim 6, and claim 9 has been amended to incorporate the features of claim 11.

Claims 1, 4, and 6-9 stand rejected under 35 U.S.C. 102(b) as being anticipated by JP 2001-105500 (JP ‘500). This rejection is moot with regard to claim 9, which has been

amended to include the features of claim 11. Further, JP '500 does not disclose first and second taper lock surfaces as defined in amended claim 1.

Claim 1 has been amended to include the features of claim 6 and recites that the first and second taper lock surfaces cooperate with each other to force said first and second laser weld surfaces into abutting engagement at a predetermined pressure. Claim 1 further recites that these taper lock surfaces lock the first and second tapered weld surfaces together to maintain the predetermined pressure during laser welding.

There is no disclosure in JP '500 that the first and second tapered weld surfaces are locked together. This feature certainly cannot be ascertained from the drawings alone. Further, the English abstract is insufficient to fully understand the teachings of JP '500. See Ex parte Gavin, 62 USPQ2d 1680 (U.S. Patent and Trademark Office Board of Patent Appeals and Interferences, 2001). If the examiner continues to maintain the rejections based on JP '500, applicant respectfully requests that the examiner obtain a translation of JP '500 so that applicant and examiner can more clearly understand the teachings of JP '500 (" . . . obtaining translations is the responsibility of the examiner. A review by the examiner and applicant of translations of the prior art relied upon in support of the examiner's rejection may supply additional relevant evidence on issues of anticipation and obviousness . . . and may eliminate the need for an appeal."). Id. at 1684.

Claims 3 and 10-13 stand rejected under 35 U.S.C 103(a) as being unpatentable over JP '500 in view of Akiyama. Claim 11 has been incorporated into independent claim 9. Thus, claim 9 now recites that the first and second tapered surfaces are defined by different angles. The examiner argues that Figure 6 of JP '500 shows this feature, however, Figure 6 appears to show that these angles are equal to each other. Again, as this feature is impossible to determine based on the drawings alone, applicant requests that the examiner obtain a full translation of JP '500.

Further, claim 9 recites that first and second taper locking surfaces cooperate with each other to *lock* the first and second laser weld surfaces into abutting engagement at a predetermined pressure. The examiner admits that JP '500 fails to disclose that a predetermined pressure is applied but instead argues that as the language is directed to a method of forming the device, the language has been given little patentable weight. Applicant disagrees with this characterization of the language of claim 9. Claim 9 does not merely recite "applying a pressure." Claim 9 recites that the taper locking surfaces are used to lock

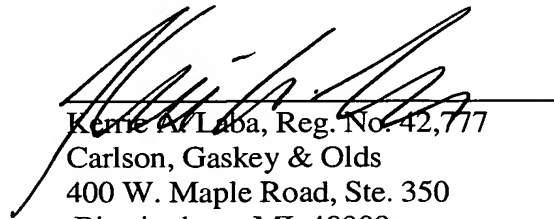
the weld surfaces together at a predetermined pressure. The unique angular configuration of the taper locking surfaces and the tapered weld surfaces, as defined in claim 9, provides this lock feature. The unique angular configuration set forth in claim 9 is not disclosed, suggested, or taught by JP '500.

Regarding claim 13, the examiner argues that the claimed features are shown in Figure 6 of JP '500. Claim 13 recites that one of the first and second taper locking surfaces defines a taper angle that is at least twice that of both said first and second angles of the weld surfaces. The examiner argues that the first taper locking surface 11d2 defines a taper angle that is twice that of both the first and second angles defined by 11d3, 12d3. Again, it is very difficult to determine these claimed features based on the drawings alone, and applicant requests that the examiner obtain a full translation of JP '500.

Claims 3 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama alone. This rejection is moot in light of the amendments set forth above.

Applicant respectfully asserts that all claims are now in condition for allowance and requests an indication of such. Applicant believes that no additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees.

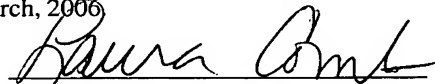
Respectfully submitted,


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Dated: March 1, 2006

CERTIFICATE OF MAIL

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2 day of March, 2006


 Laura Combs